

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

STANFORD T. ALLEN, JR.,

Plaintiff,

v.

CIVIL ACTION NO. 1:06-0597

DAVID BALLARD, Warden,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is plaintiff's application for a certificate of appealability (doc. # 50). For the reasons stated in the court's Memorandum Opinion and Order of March 11, 2009, the Proposed Findings and Recommendation of Magistrate Judge VanDervort, and because the court finds neither a substantial issue for appeal concerning the denial of a constitutional right affecting the conviction nor a debatable procedural ruling, plaintiff's request for a certificate of appealability is DENIED. The Clerk is directed to forward a copy of this Memorandum Opinion and Order to the plaintiff, pro se, and to all counsel of record.

IT IS SO ORDERED this 20th day of March, 2009.

ENTER:



David A. Faber

Senior United States District Judge